

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Lee on September 8, 2009.

The application has been amended as follows:

#### **IN THE ABSTRACT:**

Line 7, do not start new paragraph. Begin "The present invention" immediately following "is once detached." in line 6.

#### **IN THE CLAIMS:**

**Claim 1**, line 8, after "inner side layer of the", delete "heat seal" and insert -- sealant -- therefor.

**Claim 7**, line 3, after "sensitive adhesive property at", delete "normal" and insert -- room -- therefor.

**Claim 9**, line 1, after "according to claim", delete "1, 7, or 8," and insert -- 1 or 7, -- therefor.

**Claim 9**, line 3, after "metal, paper, or", delete "these".

**Cancel claim 10.**

## **RESPONSE TO AMENDMENT**

Applicant's amendment filed June 5, 2009 and terminal disclaimer filed August 20, 2009 has been considered.

### ***Double Patenting***

The terminal disclaimer filed July 29, 2009 with respect to application 11/259,416 has been approved, and therefore the double patenting rejection over 11/256,416 is withdrawn.

Further in light of the addition to claim 1 of a sealant layer having an outer thermofusible resin with no pressure sensitive property at room temperature and an inner layer having a pressure sensitive adhesive at room temperature, the double patenting rejections over application 11/565,595, Patent 7,147,913, Patent 7,476,441, and Patent 7,160,595 are withdrawn.

### ***Claim Objections***

**Claims 2 and 10** have been cancelled, therefore the claims objections with respect to claims 2 and 10 are withdrawn.

### ***Claim Rejections - 35 USC § 112 2<sup>nd</sup> paragraph***

In light of applicant's amendment the rejection of claim 1 under 35 U.S.C. 112 second paragraph is withdrawn. Further claims 10-15 have been cancelled and therefore all rejections under 35 U.S.C. 112 second paragraph are withdrawn.

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The rejection of claims 3 and 6 under 35 U.S.C. 112 second paragraph are withdrawn. One of ordinary skill in the art is would understand normal temperature to be an average room temperature on the order of 20 to 25°C.

### ***Claim Rejections - 35 USC § 102***

In view of applicant's amendment filed June 5, 2009, and the examiner's amendment above the rejection of claims 1, 2, 9-11, 13, 14 and 15 under 35 U.S.C. 102(b) over Super et al. (US Pat. 5,209,972) is withdrawn because of a lack of teaching of a pressure sensitive adhesive layer having adhesive properties at room temperature under a layer of thermofusible adhesive. Further in light of the above, the rejection of Applicant's **claim 8** under 35 U.S.C. 103(a) over Super et al., **claims 3, 6, and 7** over Super in view of Dowbenko et al., **claims 4 and 5** over super in view of Hume, and **claims 4 and 5** over Super in view of Dewbenko et al. in view of Hume are withdrawn.

Also for the reasons sated above with respect to Super, the rejection of **claim 16** under 35 U.S.C. 103(a) over Gur et al. (US Pat. 5,433,060) in view of Super is withdrawn.

### ***Allowable Subject Matter***

In light of Applicant's amendment filed June 5, 2009 and the examiner's amendment above, **claims 1, 7, 8, 9, 16, and 17 are allowed**

The following is an examiner's statement of reasons for allowance: The present claims distinguish over the prior art because of the combination of an inner layer of a pressure sensitive adhesive with adhesive properties at room temperatures and an outer layer of thermofusible

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adhesive layer with no pressure properties at room temperatures. While the prior art of record does not disclose this structure it can be found in resealable packaging films such as taught by Paterson (PGPub US 2008/0152850) however these enclosable film structures form resealable bags and are not designed for use as separate strips for additional bags adhered thereto. It would not have been obvious for one of ordinary skill in the art to use a material for making bags in order to form a strip to which other formed product containing bags can be sealed thereto.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Krupicka whose telephone number is (571)270-7086. The examiner can normally be reached on Monday - Thursday 7:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Adam C Krupicka/  
Examiner, Art Unit 1794

/JENNIFER MCNEIL/  
Supervisory Patent Examiner, Art Unit 1794